

AMENDED IN SENATE SEPTEMBER 3, 2003

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1360

Introduced by Assembly Member Steinberg

February 21, 2003

An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Steinberg. Environmental quality: environmental indicators.

Existing law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency (Cal/EPA) in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

This bill would require the Office of Environmental Health Hazard Assessment (OEHHA), ~~in consultation with~~ *on behalf of* the office of

the Secretary for Environmental Protection, ~~and other boards and departments in the Cal/EPA~~, beginning on July 1, 2004, and, to the extent that funds are appropriated by the Legislature, to develop and maintain a system of environmental indicators that meets specified objectives. The bill would define the term “environmental indicator”. The bill would require the ~~OEHHA~~ *Secretary of the Cal/EPA* to periodically assess the ability of the environmental indicators system to meet each of those objectives and the ability of the system to support the development and implementation of the agencywide environmental justice strategy. The bill would require the ~~OEHHA~~ *Secretary of the CAL/EPA* to submit a report on those environmental indicators to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter.

The bill would require the OEHHA to be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The bill would require the OEHHA to consult with other state agencies, as specified. The bill would also require the OEHHA to lead an intra-agency workgroup consisting of representatives from each board, department, and office within the Cal/EPA. The OEHHA would be required to consult with that intra-agency workgroup regarding various activities.

The bill would state the Legislature’s intent that the Secretary for Environmental Protection, *the Secretary of the Resources Agency, and the Director of the Department of Health Services* ~~in consultation~~ *in conjunction* with other specified entities, use environmental indicators, *where applicable*, in the development of *the* budget proposals for 2005–06 and future budget years, and require budget change proposals to indicate how the proposals would affect specified environmental indicators.

The bill would require that a budget change proposal submitted to the Legislature by a board, department, or office within the California Environmental Protection Agency or the Resources Agency describe how the proposal would affect specified environmental indicators. The bill would require any board, department, or office within Cal/EPA to explain how their bond programs relate to or affect environmental indicators.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. The Legislature finds and declares the~~
SECTION 1. Chapter 4 (commencing with Section 71080) is
added to Part 2 of Division 34 of the Public Resources Code, to
read:

CHAPTER 4. ENVIRONMENTAL PROTECTION INDICATORS FOR
CALIFORNIA

71080. The Legislature finds and declares the following:

(a) Traditionally, many of California's environmental programs have assessed their performance using measures of activity, including, for example, the number of permits granted or regulatory standards adopted. Addressing the complex environmental challenges of the 21st century will require new approaches that rely on better information from objective and scientifically based ~~indicators of environmental improvement~~ *environmental indicators*. Over the years, substantial efforts have been devoted toward this end, yet historically there have been very few meaningful, objective measures with which to determine the environmental impacts of these efforts.

(b) The California Environmental Protection Agency has made a commitment to move away from measures of activity, and instead focus on measurable environmental results to judge program performance. To support this commitment, the California Environmental Protection Agency established the Environmental Protection Indicators for California (EPIC) Project in 2000, and charged EPIC with developing and maintaining a comprehensive set of environmental indicators, which are scientific measurements of environmental conditions and trends. To ensure that the development of indicators was based on sound science, the California Environmental Protection Agency designated its Office of Environmental Health Hazard Assessment to lead the effort. The California Environmental Protection Agency, working in partnership with the Resources Agency and in cooperation with the Department of Health Services, released a report containing the initial set of 84 environmental indicators in April 2002.

(c) Objective and scientifically based environmental indicators improve our understanding of the environment and how human activities and other factors can influence it. The indicators

1 establish a scientific basis for evaluating the effectiveness of
2 environmental programs and identifying the need for specific
3 actions to improve environmental conditions throughout the state
4 and the disproportionate impact on low-income communities and
5 communities of color. Decisions to create, modify, or eliminate
6 California Environmental Protection Agency policies and
7 programs need to be driven by information reflected by
8 environmental indicators; and, to the extent feasible, budget
9 decisions should include a reference as to how the proposed
10 change is intended to impact a relevant environmental indicator.

11 ~~(d) To ensure the credibility and relevance of the objective and~~
12 ~~scientifically based environmental indicators, input into the~~
13 ~~selection, development, and use of these indicators needs to be~~
14 ~~sought from a qualified scientific body with expertise in~~
15 ~~environmental and public health protection.~~

16 SEC. 2. ~~Chapter 4 (commencing with Section 71080) is added~~
17 ~~to Part 2 of Division 34 of the Public Resources Code, to read:~~

18
19 CHAPTER 4. ~~ENVIRONMENTAL PROTECTION INDICATORS FOR~~
20 ~~CALIFORNIA~~

21
22 71080.—

23 *(d) To ensure the credibility of objective and scientifically*
24 *based environmental indicators, a qualified scientific body with*
25 *expertise in environmental and public health protection should*
26 *provide input into the selection and development of the indicators.*

27 *(e) To ensure the relevance of the environmental indicators,*
28 *input should be sought from a broad range of stakeholders.*

29 *(f) It is the intent of the Legislature that the Secretary for*
30 *Environmental Protection, the Secretary of the Resources Agency,*
31 *and the Director of the Department of Health Services in*
32 *conjunction with the boards, departments, and offices in their*
33 *respective agencies, use environmental indicators, where*
34 *applicable, in the development of the budget proposals for the*
35 *2005–06 fiscal year and each fiscal year thereafter.*

36 71081. (a) Beginning on July 1, 2004, to the extent that funds
37 are appropriated by the Legislature for this purpose, the office, ~~in~~
38 ~~consultation with~~ *on behalf of* the office of the secretary ~~and other~~
39 ~~boards and departments in the agency,~~ shall develop and maintain
40 a system of environmental indicators. The office shall develop and

maintain the system to meet all of the following objectives for using environmental indicators:

(1) Provide policymakers and the public with an improved understanding of the condition of the state's environment and the effects of the release of contaminants on public health *and the environment*.

~~Evaluate~~ *Provide policymakers and the public with information to evaluate* the effectiveness of the agency's programs in improving environmental quality and protecting public health throughout the state, including environmental quality and public health in low-income communities and communities of color.

(3) Assist in the development and modification of agency programs, plans, and policies as environmental conditions change over time.

~~Guide~~ *Assist* the agency in making budget decisions that address the most ~~immediate~~ *significant* environmental concerns.

(b) The following definitions apply to this section:

(1) "Agency" means the California Environmental Protection Agency.

(2) "Environmental indicator" means an objective and scientifically based measure that represents information on environmental conditions, releases of contaminants into the environment, or the effects of those releases.

(3) "Office" means the Office of Environmental Health Hazard Assessment.

~~Secretary~~ (4) *"Secretary"* means the Secretary for Environmental Protection.

(c) The ~~office~~ *secretary* shall submit a report on the environmental indicators developed pursuant to this chapter to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter. The report shall include a discussion as to the manner in which the environmental indicators are being used by the agency to meet the objectives set forth in subdivision (a). The office shall make the report available to the public on its Web site. The office shall include on its Web site any additional relevant information in support of those environmental indicators and shall update that information posted on the Web site as new information becomes available.

~~(d) (1) It is the intent of the Legislature that the secretary, in conjunction with the constituent boards, departments, and offices~~

~~in the agency, and in consultation with the Secretary of the Resources Agency and the State Department of Health Services, use environmental indicators, where applicable, in the development of budget proposals for the 2004-05 fiscal year and subsequent fiscal years.~~

~~(2) Any budget change proposal submitted to the Legislature shall describe how the proposals affect any applicable "Tier 1" environmental indicator. To the extent that a budget change proposal relates to a "Tier 2" or "Tier 3" environmental indicator, the budget change proposal shall reference what data collection and further analysis is needed before the environmental status or trend that is the subject of the indicator can be presented.~~

~~(e)–~~

~~(d) The office shall be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The office shall lead an intra-agency workgroup, consisting of representatives from each of the boards, departments, and offices within the agency. The office shall consult with the intra-agency workgroup in developing and maintaining the environmental indicators, program planning, policy formulation, and other decisionmaking processes, and in drafting the report required under subdivision (c).~~

~~(f)–~~

~~(e) In developing and maintaining the environmental indicators, the office shall consult with the Resources Agency, the State Department of Health Services, and other state agencies as appropriate.~~

~~(g)–~~

~~(f) The office may utilize information for indicators that is not collected by other boards and departments within the agency and may identify and establish new indicators.~~

~~(h) The office shall consult with the scientific review panel established pursuant to Article 5 (commencing with Section 39670) of Chapter 3.5 of Part 2 of Division 26 of the Health and Safety Code in establishing, updating, and evaluating environmental indicators.~~

~~(i) The office secretary shall periodically assess the ability of the environmental indicators system to meet each of the objectives~~

1 cited in subdivision (a) and the ability of the system to support the
2 development and implementation of the agencywide
3 environmental justice strategy pursuant to Section 71113.

4 71082. (a) *As appropriate, a budget change proposal*
5 *submitted to the Legislature by a board, department, or office*
6 *within the California Environmental Protection Agency or the*
7 *Resources Agency shall describe how the proposal would affect*
8 *any applicable “Type I” environmental indicator. To the extent*
9 *that a budget change proposal relates to a “Type II” or “Type III”*
10 *environmental indicator, the budget change proposal shall*
11 *reference what data collection and further analysis is needed*
12 *before the environmental status or trend that is the subject of the*
13 *indicator may be presented.*

14 (b) *A board, department, or office within the California*
15 *Environmental Protection Agency shall explain how its bond*
16 *programs relate to or affect environmental indicators.*

